

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.
MELVIN SIMMONS,

Defendant.

No. 2:21-cv-1338 KJM KJN P

FINDINGS AND RECOMMENDATIONS

Defendant filed a notice of removal of a state criminal prosecution. It appears from the notice of removal and the exhibits attached thereto that defendant is a private citizen. Although certain defendants in state criminal prosecutions are entitled to remove the action to federal court, defendant is not a person so authorized pursuant to 28 U.S.C. § 1442 et seq.

Accordingly, IT IS HEREBY RECOMMENDED that the above-entitled action be summarily remanded to the Superior Court of California, County of Sacramento.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections

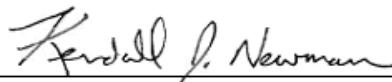
1 within the specified time may waive the right to appeal the District Court's order. Martinez v.
2 Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: October 4, 2021

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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